

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:13-cr-00307-JCM-CWH

Plaintiff,

ORDER

v.

KIRK A. BOWMAN,

Defendant.

Presently before the court is *United States v. Bowman*, case no. 2:13-cr-00307-JCM-CWH. Kirk Bowman ("petitioner") filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 based upon the application of *Johnson v. United States*, 135 S. Ct. 2551 (2015) to his sentence. (Doc. #34). Petitioner then amended and refiled the motion to vacate thirteen days later. (Doc. #35). The court shall dismiss petitioner's original motion to vacate (doc. #34) as moot and set the briefing schedule for the amended motion to vacate (doc. #35) as follows: respondent has thirty days from the date of this order to file a response. Thereafter, petitioner has thirty days to file a reply.

Accordingly,

It is ORDERED that respondent file a response to petitioner's amended motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (doc. #35) no later than thirty (30) days from the date of this order. Petitioner's reply is due thirty (30) days thereafter.

IT IS FURTHER ORDERED that petitioner's motion to vacate (doc. #34) is DENIED as moot.

DATED THIS 5th day of April 2016.


JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE